

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JULY 9, 2013**

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**CALL TO ORDER**

At 7:01 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mayor Bruno answered present. Mr. Hall was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION**

**Office of Emergency Management**

Mayor Bruno spoke about the OEM meeting that he attended yesterday. The discussion involved the needs of the town in emergency situations. Mayor Bruno spoke about the capital plan and the need for an emergency generator adequate enough to keep town hall up and running during any crisis. Mayor Bruno also spoke about the need of diesel fuel tanks for the Sewer Plant. The backup generator at the Sewer Plant uses diesel fuel and the fuel not being readily available in town.

Mr. Pastore said it is imperative that we get this generator. We need to get communications up and running in these emergency situations.

Discussion continued on the need for an emergency generator. Discussion also involved the funding for this equipment.

Mayor Bruno said a resident called him and said she does not receive the 911 calls through her cordless phones. He added you must list all of your phones on this list. Mayor Bruno explained the process to list your phones on the 911 call list. Mayor Bruno said information will be put in with the tax bills. He continued to talk about the tornado that took place in Berkeley Heights and the damages it caused.

**APPROVAL OF MINUTES**

Moved by Mr. Woodruff to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Public Meeting – April 9, 2013**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None

Abstain: None  
Absent: Mr. Hall

## **TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported on the Street Fair and said the Environmental Commission had a booth. He thanked Dr. Pat Smith and the Chamber of Commerce and said the choice of company they used for the fair was great and very well organized. Mr. Delia spoke in length about the Street Fair and the activities that were held. Mr. Delia had questions on the new Bobcat listed on the bill list.

Don Cochario of the DPW explained what was purchased.

Mr. Pastore had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported he attended the Street Fair and thought it was phenomenal. There is plenty of convenient parking. Mr. Woodruff said we did have some flags being damaged along Springfield Avenue and asked about backup for these flags.

Mrs. Kingsley said we do have some flag backups that we can address. Mrs. Kingsley reported she attended the Street Fair and represented the Beautification Committee. She also felt it was a great affair and well organized and run. Mrs. Kingsley also reported three of the four faces on the clock have been sold. We are pushing on the sales for the plaques in hopes to get the clock up and running. Mrs. Kingsley also reported she resigned from the Little Flower Finance Council as of July 1<sup>st</sup> and no longer has any affiliations on that front.

Mayor Bruno also reported on the Street Fair and said he was very proud of the efforts of our local business community. Mayor Bruno also said the VFW held a pancake breakfast to open up the Street Fair. Mayor Bruno said the vendors said this was one of the most successful Street Fair's that they have held. There was over 3,000 people in attendance. There will be a second annual Street Fair as well. It was very successful.

Linda Cavanaugh, Township Administrator reported the Sewer Plant took a major hit with the tornado and we will be reporting this claim to the Insurance Company. They continued to operate and there was no break in service at any point in time. Mrs. Cavanaugh added the staff performed tremendously during the tornado. Mrs. Cavanaugh reported we have followed up on the generator for dispatch and hopefully we will receive a proposal this week. We are waiting for the report on the existing generator and details. The AC for dispatch is also on order. Mrs. Cavanaugh also reported on the prospective summer help for the DPW. She said we will also be reviewing the contract with Omni Environmental for the Sewer Plant. Mrs. Cavanaugh also reported on the fuel monitoring system and explained. Mrs. Cavanaugh added Mike Marceau, CFO has prepared an RFP for banking services and she explained further.

Moved by Mr. Woodruff to accept and approve the Township Council Reports, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley

Nays: None  
Abstain: None  
Absent: Mr. Hall

## **HEARING ON THE AGENDA ITEMS ONLY**

Moved by Mr. Pirone to open the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Hearing no voices, moved by Mr. Pirone to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

## **PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON JUNE 25, 2013:**

The Clerk presented and read:

- (1) “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$846,907 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$804,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”.**

Moved by Mr. Woodruff to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Tom Foregger of 14 Dorsett Road asked questions on the Police Department items listed in the bond ordinance regarding the need for them and what they would be used for. Mr. Foregger also questioned the Zodiac boat for the Fire Department and the need and use for it.

Mayor Bruno responded to Mr. Foregger's questions.

A discussion continued among the Mayor and Council responding to Mr. Foregger's questions regarding the items listed in the bond ordinance.

Joseph Sordillo, Township Attorney pointed out this ordinance is appropriating the money for the bond. This is not for the purchase of the listed equipment. That will be approved at a later time.

A discussion again continued.

Mr. Foregger's main concern is with the wording of the ordinance. The listing of a lot of items but you don't have to get any of these items, you can get something else instead. He feels the technique is cheating the voters, you are saying this is not limited to these items.

Mayor Bruno pointed out this is not a purchase order. If something else is going to be purchased, it would be put before the public because it would be discussed first. If something else takes a priority, the public would have a chance to discuss it.

Mr. Foregger said there is no way to challenge it.

Joseph Sordillo, Township Attorney said you can always challenge any municipal action, even approval of a bill list. You can challenge any municipal action in court. Mr. Sordillo said just to make it clear for Mayor and Council this is within the intent of the bond ordinance and goes above and beyond. A bond ordinance only requires you to list the type of equipment and you do not have to itemize it. We actually list what we intend to use it for and then if we have a need we can use that money for another purpose. It is also reviewed by special bond counsel.

Hearing no voices, moved by Mr. Woodruff to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and carried.

Mr. Delia spoke about the items listed in the bond ordinance and said one item for recreation the dump body was already purchased.

Don Cochario of the DPW explained that was a different truck and clarified that item for Mr. Delia.

Mr. Delia also spoke about the 2012 money for crack sealing and micro surfacing and he doesn't know if we have used that money.

Bob Bocchino explained that money was used to pave the roads by the high school.

Mr. Delia said he hates to borrow and spend money on items we do not need. If the money is there, it is going to be spent on something.

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk and hearing hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Hall

The Clerk presented and read:

**(2) "CAPITAL ORDINANCE APPROPRIATING \$58,541 FOR VARIOUS  
CAPITAL IMPROVEMENTS AND ACQUISITIONS IN AND BY THE TOWNSHIP OF  
BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY."**

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Carol Matula of 5 Hastings Road said she came to the budget meetings and a lot of the items in the ordinance were discussed. She feels it seemed like Christmas and catalogs were given to all of the departments and they could choose what they wanted. She also feels there are a lot of items that we do not need in the ordinance and it is a waste of taxpayer money.

Stephen Yellin of 130 Dogwood Lane said he is glad some of the items are in the ordinance. His recollection was that some items were rejected or postponed at the budget hearings. For example, he thought the cold water suits Chief Padovano had requested were rejected.

Mayor Bruno responded it was not the cold water suits but it was the sled that was denied.

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Hall

## **NEW BUSINESS- RESOLUTION OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

### **RESOLUTIONS**

#### **Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated July 9, 2013 in the amount of \$397,653.39.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pirone and carried.

Mr. Delia said he will be voting “no” on this resolution because the bobcat tractor is on this bill list and he did not approve it in the first place and he doesn’t want to approve paying for it now.

Upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: Mr. Hall

**Mr. Pirone introduced the following resolution:**

2. Resolution authorizing the submission of the year 2012 Recycling Tonnage Grant Application.

Moved by Mr. Pirone to approve resolution #2, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolution:**

**(3)**

- a. Resolution authorizing the Tax Collector to refund the following 2011 and 2012 tax overpayment:
  1. Michael Vespasiano, Esq.                      617 Plainfield Avenue                      \$13,496.25

Moved by Mr. Pastore to approve Consent Agenda resolution #3a, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

**CITIZENS HEARING**

Moved by Mrs. Kingsley to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: Mr. Hall

Jerry Kuzmik of 35 Eaton Court asked for an update on the progress of the stream clean-up prior to the tornado.

Jorge Cascuberta, Assistant Director of Public Works responded they are working on section 2 and we have only been working on Saturdays. He said we are ahead of his schedule and they will try to do some work during the week as well.

Mayor Bruno added we are hiring some young workers to help with the stream remediation.

Mr. Kuzmik continued with his questions regarding the stream clean-up.

Jorge Cascuberta responded to Mr. Kuzmik's questions.

A discussion continued on the stream clean-up.

Mr. Kuzmik asked what sections will clean-up for the tornado take place.

Mayor Bruno responded to Mr. Kuzmik's questions regarding the sections for clean-up from the tornado.

Tom Foregger of 14 Dorsett Road asked if the report done by Harbor Consultants on Town Hall and the municipal complex area has been completed yet.

Mayor Bruno responded it is not completed yet.

Joseph Sordillo, Township Attorney responded when it is completed there will be public hearings and discussion at the Planning Board before it comes back to the Council.

Carol Matula of 5 Hastings Road asked if there was any cost associated with the Street Fair such as Police overtime. If there were costs, who paid for them.

Mayor Bruno responded yes there were costs. The promoter and the Chamber of Commerce paid for those costs.

Stephen Yellin of 130 Dogwood Lane said he attended the Street Fair and participated with the Democratic Committee. He also feels it went extremely well even with the rain. Mr. Yellin thanked Pam Steiner and the Rotary Club for use of the spare tent. Mr. Yellin feels it was a great success and he hopes it comes back again next year. He pointed out people did not know there were other Democrats in town.

Hearing no voices, moved by Mrs. Kingsley to close the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes:	Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley
Nays:	None
Abstain:	None
Absent:	Mr. Hall

## **ADJOURNMENT**

Moved by Mr. Pastore to adjourn, seconded by Mr. Woodruff and upon roll call vote:  
**(8:00 p.m.)**

Ayes:	Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley
Nays:	None
Abstain:	None
Absent:	Mr. Hall

**Approved: September 10, 2013**

